

FILED

JAN 10 2013

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA

BY _____ DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL CLYDE DUTY,

Defendant.

2:11-CR-327-PMP-(CWH)

AMENDED PRELIMINARY ORDER OF FORFEITURE

This Court finds that on August 22, 2012, defendant MICHAEL CLYDE DUTY pled guilty to Count Two of a Nine-Count Criminal Indictment charging him in Count Two with Conspiracy to Unlawfully Deal in Firearms in violation of Title 18, United States Code, Sections 371 and 922(a)(1). Criminal Indictment, ECF No. 1; Plea Memorandum, ECF No. 76; Minutes of Change of Plea Proceedings, ECF No. 75.

This Court finds defendant MICHAEL CLYDE DUTY agreed to the forfeiture of the property set forth in the Plea Memorandum. Plea Memorandum, ECF No. 76.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Memorandum and the offense to which defendant MICHAEL CLYDE DUTY pled guilty. Criminal Indictment, ECF No. 1; Plea Memorandum, ECF No. 76.

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1 The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section
2 924(d)(1) and Title 28, United States Code, Section 2461(c):

- 3 (a) Maverick model 88, 12 gauge short-barreled shotgun, serial number MV04934G;
- 4 (b) Mossberg model 500A, 12 gauge shotgun, serial number L244961;
- 5 (c) Intratec Model Tec-9, 9mm, serial number 23988;
- 6 (d) Russian SKS 7.62X39 rifle with bayonet, serial number 9937905;
- 7 (e) Beretta model 92FS Compact, 9mm pistol, serial number E31982Z;
- 8 (f) a homemade Mac-11 type, 9mm pistol;
- 9 (g) Keltic, CNC Industries, Inc. P11 pistol, 9mm, serial number ASK60; and
- 10 (h) any and all ammunition ("property").

11 This Court find the United States of America is now entitled to, and should, reduce the
12 aforementioned property to the possession of the United States of America.

13 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
14 United States of America should seize the aforementioned property.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
16 MICHAEL CLYDE DUTY in the aforementioned property is forfeited and is vested in the United
17 States of America and shall be safely held by the United States of America until further order of the
18 Court.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
20 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
21 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state
22 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state
23 the name and contact information for the government attorney to be served with the petition, pursuant
24 to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
26 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
2 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
3 following address at the time of filing:

4 Michael A. Humphreys
5 Assistant United States Attorney
6 Lloyd D. George United States Courthouse
7 333 Las Vegas Boulevard South, Suite 5000
8 Las Vegas, Nevada 89101,

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
10 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
11 following publication of notice of seizure and intent to administratively forfeit the above-described
12 property.

13 DATED this 16th day of January, 2013.

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15 UNITED STATES DISTRICT JUDGE
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